

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|--------------------------|---|-----------------------------------|
| ----- | X | |
| | : | |
| UNITED STATES OF AMERICA | : | <u>FIRST FINAL ORDER</u> |
| | : | <u>OF FORFEITURE AS TO</u> |
| -v.- | : | <u>SUBSTITUTE ASSETS</u> |
| | : | |
| WILLIAM MCFARLAND | : | S2 17 Cr. 600 (NRB) |
| | : | |
| Defendant. | : | |
| | : | |
| ----- | X | |

WHEREAS, on or about January 14, 2019, the Court entered a Preliminary Order of Forfeiture as to Substitute Assets (the "Preliminary Order of Forfeiture") (D.E. 81), which ordered the forfeiture to the United States of, *inter alia*, all right, title and interest of WILLIAM MCFARLAND (the "Defendant") in the following property:

- a) Two large boxes containing Fyre-branded t-shirts, sweatshirts, shorts and other clothing items that were intended for sale at the Fyre Festival, provided by defense counsel on or about October 25, 2018 (the "Fyre Festival Merchandise");

((a) the "Substitute Asset");

WHEREAS, the Preliminary Order of Forfeiture directed the United States to publish, for at least thirty (30) consecutive days, notice of the Preliminary Order of Forfeiture, notice of the United States' intent to dispose of the Substitute Asset, and the requirement that any person asserting a legal interest in the Substitute Asset must file a petition with the Court in accordance with the requirements of Title 21, United States Code, Sections 853(n)(2) and (3). The Preliminary Order of Forfeiture further stated that the United States could, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Substitute Asset and as a substitute for published notice as to those persons so notified;

WHEREAS, the provisions of Title 21, United State Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, require publication of a notice of forfeiture and of the Government's intent to dispose of the Substitute Asset before the United States can have clear title to the Substitute Asset;

WHEREAS, the Notice of Forfeiture and the intent of the United States to dispose of the Substitute Asset was posted on an official government internet site (www.forfeiture.gov) beginning on March 14, 2019, for thirty (30) consecutive days, through April 12, 2019, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions and proof of such publication was filed with the Clerk of the Court on March 3, 2020 (D.E. 87);

1. WHEREAS, on or about February 8, 2019, February 27, 2019, and March 11, 2019, notice of the Preliminary Order of Forfeiture was sent by Federal Express to:

Oleg Itkin
Brooklyn, New York 11235

Caitlin Robin, Esq.
Caitlin Robin and Associates, P.L.L.C.
30 Broad Street, Suite 702
New York, NY 10004
(*Counsel for Oleg Itkin*)

Michael Quinn, Esq.
Caitlin Robin and Associates, P.L.L.C.
30 Broad Street, Suite 702
New York, NY 10004
(*Counsel for Oleg Itkin*)

Lené Simnioniw
Corporate Secretary, Director of Corporate
Governance, Services & Risk Oversight
First Western Trust Bank
1900 16th Street, Suite 1200
Denver, CO 80202

Shelby Financial Corporation
c/o David J. Valpredo, President
48639 Hayes - Suite 1
Shelby Twp., MI 48315

(the "Noticed Parties");

WHEREAS, thirty (30) days have expired since final publication of the Notice of Forfeiture and no petitions or claims to contest the forfeiture of the Substitute Asset has been filed;

WHEREAS, the Defendant and the Noticed Parties are the only persons and/or entities known by the Government to have a potential interest the Substitute Asset; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(n)(7), the United States shall have clear title to the Substitute Asset if no petitions for a hearing to contest the forfeiture have been filed within thirty (30) days of final publication of notice of forfeiture as set forth in Title 21, United States Code, Section 853(n)(2);

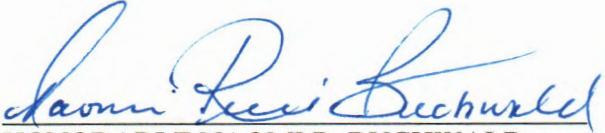
NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. All right, title, and interest in the Substitute Asset is hereby forfeited and vested in the United States of America, and shall be disposed of according to law.
2. Pursuant to Title 21, United States Code, Section 853(n)(7) the United States of America shall and is hereby deemed to have clear title to the Substitute Asset.
3. The United States Marshals Service (or its designee) shall take possession of the Substitute Asset and dispose of the same according to law, in accordance with Title 21, United States Code, Section 853(h).

4. The Clerk of the Court shall forward four certified copies of this First Final Order of Forfeiture to Assistant United States Attorney Alexander Wilson, Co-Chief, Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, Southern District of New York, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York
March 11, 2020

SO ORDERED:


HONORABLE NAOMI R. BUCHWALD
UNITED STATES DISTRICT JUDGE